

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE - RULES AND RULEMAKING

Editor's Note: The following Notice of Supplemental Proposed Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1996.)

[R13-133]

PREAMBLE

1. Citations to the agency's Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the *Register* as specified in R1-1-409(A). A list of any other related notices published in the *Register* to include the as specified in R1-1-409(A):

Notice of Rulemaking Docket Opening: 18 A.A.R. 1867, August 3, 2012

Notice of Proposed Rulemaking: 18 A.A.R. 3100, November 30, 2012

Notice of Public Information 18 A.A.R. 3397, December 28, 2012

2. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action

R1-1-101	Amend
R1-1-103	Amend
R1-1-104	Amend
R1-1-105	Amend
R1-1-106	Amend
R1-1-107	Amend
R1-1-109	Amend
R1-1-110	Amend
R1-1-114	Amend
R1-1-202	Amend
R1-1-205	Amend
R1-1-211	Amend
R1-1-302	Amend
R1-1-401	Amend
R1-1-414	Amend
R1-1-502	Amend
Article 8	Repeal
Article 8	New Article
R1-1-801	Repeal
R1-1-801	New Section
R1-1-802	New Section
R1-1-803	New Section
R1-1-1001	Amend

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 41-1011(B)

Implementing statute: A.R.S. § 41-1027

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4. The agency's contact person who can answer questions about the rulemaking:

Name: Scott Cancelosi
Address: Director, Public Services Division
Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-0223
Fax: (602) 542-4366
E-mail: scancelosi@azsos.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Office of the Secretary of State, Public Services Division, is proposing rule amendments under Laws 2012, Ch. 322 (SB 1193) and 352 (HB 2744) that modify statutes relating to regulatory rulemaking. These laws became effective August 2, 2012.

Proposed changes include the repeal of rules for Notices of Summary Rulemaking as abolished in the law, and the making of new rules for Notices of Expedited Rulemaking in Article 8. HB 2744 Fact Sheet, "*Adds that the Register published by the SOS must contain proposed, final and objection notices of expedited rule making. Adds that the Register must contain the web address to the full text of the notice for a substantive policy statement, if practical.*"

Additionally, the Office is proposing amendments to the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. An explanation of the substantial change which resulted in the supplemental notice:

Stakeholders were encouraged to provide feedback in the original proposed rulemaking package published in the *Administrative Register*. Based on input, the Office evaluated the comments and modified the verbiage of the rules. Style and format changes have also been made to keep the rules consistent with Office guidelines.

Modifications, in general

R1-1-101. Definitions

The word "means" will be left in definitions to be consistent with guidelines in the *Arizona Rulemaking Manual*.

The definition of "Amendment" will be repealed. It is more appropriate to define "Amend" as used in rulemaking.

"State agency" references changed to "agency."

The definition of "Repeal" has been amended.

The definition to "Rulemaking action" has been added.

The definition to "Rulemaking" has been defined to reflect the state standard.

Added the definition of "Rulemaking activity."

The definition to "Rulemaking package" has been changed to reflect the addition of "rules" being filed with the packages. Rule-related documents will stay in.

Filing specifications - clarification to rules.

Filing Specifications clarified that receipts are placed on top of the original filing and the copies of the filing.

The following comments were received.

Arizona Department of Transportation Comment

Arizona Administrative Register / Secretary of State
Notices of Supplemental Proposed Rulemaking

Minor manifest typographical errors were suggested.

Office Response:

Striking of parenthesis and subsection label amendments were made.

Arizona Department of Transportation Comment

Consider alphabetizing definitions.

Office Response

The Office has made the change.

Arizona Department of Transportation Comment

Consider using the word “terms” instead of “words defined.”

Office Response

The Office has made the change.

Arizona Department of Transportation Comment

Under the definition of the Governor’s Regulatory Review Council the acronym G.R.R.C. is not used in this Chapter.

Office Response

The Office has removed the acronym in the definition.

Arizona Department of Transportation Comment

Fix the incorrect rule subsection reference in the “other documents” definition.

Office Response

The Office has made the correction.

Arizona Department of Transportation Comment

Correct “which” in two instances to “that.”

Office Response

The Office has made the correction.

Arizona Department of Transportation Comment

R1-1-101 Definition of Authority Note: Language pertaining to R1-502(B)(15)(c), proposed as “No Change”, was updated and clarified in 2012 legislation [HB2744, see 41-1055(I)].

The rule language should read something like this:

“Whether a person submitted an analysis to the agency that compares regarding the rule’s impact on the competitiveness of businesses in this state to the impact on as compared to the competitiveness of businesses in other states.”

Office Response

The Office has clarified the definition that make it clear they can request a note in rule under R1-1-407.

Arizona Department of Transportation Comment

R1-1-101 Definition of Exempt Rule: Existing rule language defining exempt rule contains a more easily understood and clear definition of exempt rule.

Office Response

The Office has reverted the definition as it is currently published in the *Administrative Code*.

Arizona Department of Transportation Comment

R1-1-103(D)(2)(e) as specified under R1-1-502(B)(18) references a Notice of Proposed Rulemaking.

Office Response

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The Office has amended the subsection and removed this reference since R1-1-103 references all notice filing requirements.

Arizona Department of Transportation Comment

R1-1-110(B) Exceptions: The proposed rule refers to effective dates that are earlier or later than 60 days as exceptions. A.R.S. § 41-1032 also allows an immediate effective date if the agency meets the criteria and an effective date more than 60 days after filing. Use of word “Exceptions” is misleading.

Office Response

The Office has removed “Exceptions” from this Section.

Arizona Department of Transportation Comment

R1-1-205(B)(5) The notation to R1-1-409(A) is a formatting style. Use “formatted as provided.”

Office Response

The Office has amended the subsection to clarify that the citation is a formatting consideration.

Arizona Department of Transportation Comment

R1-1-205(D) Documents listed under subsection (B). There are no documents listed under subsection (B).

Office Response

The Office has amended this subsection to reflect the documents listed under subsection (C).

Arizona Department of Transportation Comment

R1-1-414 - Incorporation by Reference Documents, Publications, or Standards

Language in subsection (A) is broader than in A.R.S. § 41-1028(A). Statute allows an agency discretion to incorporate all or part of a code, standard, rule, or regulation by reference. Rule changes give agencies less flexibility and include more documents and requirements than statute. Agencies may need to incorporate more materials by reference and incur additional costs. In subsection (C)(5), delete “or purchase” because not all publications are for sale. Possible language for subsection (C)(5) is: “where the material is available, which may include an address or a web site address.” In subsection (C)(6), substitute this language: “A statement that follows the citation specifying that the incorporated by reference material contains no later editions or amendments. In subsection (E), after “final reinsert “rules.”

Office Response

Subsections (C)(6) and (E) have been changed to include just the statutory requirements. See also G.R.R.C. response to R1-1-414. The Office has addressed the “purchase” issue in rule.

ADEQ Comment

Language pertaining to R1-502(B)(15)(c), proposed as “No Change,” was updated and clarified in 2012 legislation [HB2744, see A.R.S. § 41-1055(I)].

The rule language should read something like this:

“Whether a person submitted an analysis to the agency ~~that compares~~ regarding the rule’s impact on the competitiveness of businesses in this state ~~to the impact on as compared to the competitiveness of~~ businesses in other states.”

Office Response

The Office has updated the language.

Arizona Department of Transportation Comment

Incorrect citation in rule in subsection (B). Change R1-1-502 (18)(e)(iii) and (iv) to subsection (B)(18)(e)(iii) and (iv).

Office Response

The Office has corrected the citation.

Arizona Department of Transportation Comment

R1-1-801(C)(5)(a),
R1-1-801(C)(6),
R1-1-801(C)(5)(a)
R1-1-803(B)(5)(a)
R1-1-803(B)(6)

“as required in R1-1-502(B)(5)” change to “as prescribed under R1-1-502(B)(5).”

Office Response

The Office has made the change. We did not revise “for a Notice of Proposed Rulemaking” after the reference to the rule number. Other references throughout the rules with “as required in” were changed to “as prescribed under.”

G.R.R.C. Comment - Rulemaking Manual

R1-1-101. Definitions, *Arizona Rulemaking Manual* - is the *manual* a guide or *procedures manual*?

“Do you really want the instructions in the manual to be required procedures? Or is the manual supposed to tell the agencies what they should do? I have often noticed that the manual, and even the rules for that matter, leave room for interpretation. Shouldn't we provide this flexibility for both the agencies and the Office of the SOS.”

ADEQ Comment: Rulemaking Manual

New language in R1-1-103(A) and R1-1-401 requires compliance with the *Arizona Rulemaking Manual (Manual)*. Whether this can be done is questionable because the requirements in the *Manual* will not have been created properly under the APA with either full text publication or incorporation by reference.

That aside, the Office should carefully consider whether placing the *Manual* in rule is the best policy. As noted, it has not yet received the benefit of scrutiny under notice and comment rulemaking. Moreover, in its current role as guidance, the *Manual* is a flexible and valuable tool that allows agencies to react uniformly to changes in rulemaking procedure and law without waiting for a full rulemaking. The Office could retain a reference to the *Manual* in R1-1-103 and R1-1-401 with language such as the following: In addition, whenever possible, agencies should submit notices and supporting documents that comply with the *Manual*.”

In addition, there are conflicts between the *Manual* and the proposed rule. One example is that proposed R1-1-103 no longer requires only one Chapter per notice, while the *Manual*, in the definition of “submission requirements” directs the filer to place only one Chapter on a single Notice. Removal of the one Chapter per notice requirement as proposed is the better course of action because it allows agencies to conserve resources when a rulemaking needs to involve more than one Chapter, as may be the case when rules adding or deleting licenses also require changes in licensing time frames.

Office Response

The Secretary of State's Office, *Arizona Rulemaking Manual* reinforces certain national and statewide standards and practices that are necessary when drafting, editing, and formatting administrative rule text. Our Office has always been flexible with the state agencies and have assisted them to be in compliance with the APA.

The *Federal Register* considers its rulemaking guide as a document drafting handbook with guidance and examples for complying with Office format and editorial requirements for *Register* documents. Other states reference their manuals as guides. We therefore will change the reference from “procedure manual” to “the state's rulemaking handbook” in the definition.

The Office inadvertently removed the subsection requiring one notice per Chapter when amending this Section in its Proposed Rulemaking. The “one notice per chapter” requirement will be retained.

ADEQ's concerns have been addressed. The Office is not requiring compliance to the *Manual* in its amended rules.

G.R.R.C. Comment

R1-1-101. Definitions, Repeal

Does this definition mean that you use the word repeal only when you are removing an entire Section?

Does “rule” here mean the same thing as “section”? Or can you “repeal” subsections of a Section?

Office Response

The definition of repeal, with the reference to a “rule” has been in place since January 1, 1995, in various definitions. The Office has removed the word “rule” and clarified the divisions of the *Code* that can be repealed.

G.R.R.C. Comment

R1-1-101. Definitions, Rulemaking Package

This definition indicates that a “rulemaking package” is a collection of receipt, certificate, notice, and rule-related documents. However other rules (for example R1-1-602(C)) list specific items, such as the receipt and the certificate (C)(1) & (3), while at the same time requiring an original and two copies of the “rulemaking package,” which, by definition, includes the receipt and the agency certificate. I am wondering why you are not amending the other notice rules.

Office Response

We are not amending “other” notice Sections of this Chapter because there is no need to do so.

The examples of documents included in this definition are now plural. Rulemaking packages are assembled to the specific type of filing, therefore not all require the same documents. Actual requirements of what shall be filed with each rulemaking package is noted at the end of the definition.

G.R.R.C. Comment

R1-1-101. Definitions, Rulemaking Package, “and rule-related documents.”

Would rule-related documents include incorporated materials? I thought that you had sought legislation so that the agency would be responsible for retaining or providing these materials.

Office Response

Laws 2003, Ch. 104 removed the filing requirements for agencies to include a copy of incorporated by reference material when filing a rulemaking package. In response to G.R.R.C. comment above, rule-related documents do not include incorporated by reference material since an agency is not required to file incorporated by reference material with the Office. Agencies are responsible for providing this information under A.R.S. § 41-1028.

To clarify what is a rule-related document, the Office has now included examples in the definition. The Office is keeping the reference to “rule-related documents” to leave the rule open to interpretation as a statute or governor executive order may require an agency to file other documents with a rule that have yet to be determined.

G.R.R.C. Comment

R1-1-103. Filing Requirements

R1-1-103(B)(1) Define “supporting documents”?

Office Response

Since the definition of rulemaking package has been clarified, there is no need for “supporting documents” as referenced in this rule. It has been removed.

G.R.R.C. Comment

R1-1-103(D)

Stricken: An agency shall file only one Chapter per notice for any rulemaking activity. If an agency files more than one Chapter per notice, the Office shall return the notice to the agency.

Are you sure you want to get rid of this provision? I thought one chapter per notice was the rule so that things get filed in the right place.

Office Response

The Office inadvertently removed the subsection requiring one notice per Chapter when amending this Section in its Proposed Rulemaking. The “one notice per chapter” requirement will be retained. The language retained is, “An agency shall file only one Chapter per notice for any rulemaking activity. If an agency files more than one Chapter per notice, the Office shall return the notice to the agency.”

G.R.R.C. Comment

R1-1-103(D)(1) now R1-1-103(E)(1) “file as prepared under R1-1-105.”

Does this mean that a file folder will now be required? I have noticed that many agencies simply clip their documents together.

Office Response

The Office has clarified that an agency shall place the receipts on top of the original rulemaking package and copies of the packages.

G.R.R.C. Comment

R1-1-103(D)(2)(g) now R1-1-103(E)(2)(g) “other documents...”

Does this mean the agency will again need to file materials incorporated by reference with your office? I thought that you had sought legislative changes to avoid being the repository of the incorporated materials.

Office Response

Laws 2003, Chapter 104 removed the filing requirements for agencies to include a copy of incorporated by reference material when filing a rulemaking package. Rule-related documents do not include incorporated by reference material since an agency is not required to file incorporated by reference material with the Office. Agency's are responsible for retaining or providing this information.

The Office is now referring to other documents as "rule-related documents" as now clarified in the definition of rulemaking package.

G.R.R.C. Comment

R1-1-104(D) How to File Documents for Publication, "Notices shall also be filed on an electronic medium"

This would seem to include CDs but does it include e-mail submission?

Office Response

See the definition of electronic medium under R1-1-101.

G.R.R.C. Comment

R1-1-105(A) "An agency certificate is evidence that an agency head or agency head's designee reviewed and approved the rulemaking package as submitted."

Could you add "as submitted for approval or filed"?

When a package is submitted for approval, either to G.R.R.C. or the AG's office, minor changes are sometimes made and in some cases substantive changes are made with approval of designated agency representatives.

This language might be interpreted as requiring the Council to obtain new agency certificates after rules have been approved at the Council meeting.

Office Response

The Office has removed "as submitted" since the agency head is reviewing the Notice and attesting that the information contained in it is true and correct. Subsection (A) is merely stating what the certificate is. For example an agency head or designee may sign a certificate, but then a rulewriter may never submit or file the Notice. There have been instances in the past in which this has happened. An agency may have approved rules without a certificate and never file the rule; an agency head signed a certificate, but there is no filing record in our Office; nor was the Notice ever published in the *Register*; and the Agency does not have a date-stamped receipt or certificate.

G.R.R.C. Comment

R1-1-105(B)(2)(c)(vi)

As noted above this needs to say "submitted for approval or filed" because agency certificates are usually submitted in advance of approval by G.R.R.C. Changes can be made during the G.R.R.C. process, which might mean delays in getting a new certificate.

Office Response

The Office is changing the language back to "submitted" as originally written in the Section instead of filed. The certificate means the rulemaking package that the signer reviewed was a true and correct version *as they saw it*. You state below that agency representatives acting on the authority of the agency head are aware of any changes being made. This is why additional information is being requested under R1-1-105(D)(3)(c).

G.R.R.C. Comment

R1-1-105(D)(3)

"I am wondering why you are requiring this additional information. Since an agency cannot file a rule package without Council approval, approval by the Council would seem to be the relevant information. This is reflected on our current certificate of approval.

Agency representatives, who act on the behalf of or under the authority of an agency head, actively participate in the G.R.R.C. process and are aware of any changes made."

R1-1-105(D)(3)(c)

Remove (c) and eliminate the internal reference to (c) in (D)(3)(d).

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R1-1-105(D)(3)(e)

Also, because information about the effective date is usually provided in the notice documents themselves, the effective date information in (D)(3)(e) is duplicative and might increase the likelihood of error.

(See my comment regarding the Notice of Final Expedited Rulemaking. See the specific requirement regarding effective date in A.R.S. § 41-1027(J))

Office Response

Sometimes when a rulemaking package is submitted for approval to G.R.R.C. minor changes are made before approval. G.R.R.C. has stated that in some cases substantive changes are made with approval of designated agency representatives who actively participate in the approval process. The inclusion of the new language in R1-1-105(D)(3)(c) and (d) is to inform stakeholders that changes were made and who was aware of them during the approval process.

R1-1-105(D)(3)(e)

You state the effective date information is duplicative on the certificate. Instead of requesting the effective date, the Office has added that G.R.R.C. provide a statement as a numbered item on a certificate. G.R.R.C. certificates submitted currently include a “Note” at the bottom that states, “Under A.R.S. § 41-1052, this rulemaking will have an immediate effective date because the agency made the demonstration required by A.R.S. § 41-1032(A)(2) and (3), and Council approved it by at least two-thirds vote of the voting quorum.” This numbered item would eliminate the note at the end of the certificate.

G.R.R.C. Comment

R1-1-105(E)

“The statute that governs to the process relating to the Attorney General, A.R.S. § 41-1044, also speaks primarily in terms of approval. Unlike A.R.S. § 41-1052, the statute does not indicate that the AG may approve or disapprove in whole or in part.”

“in whole or in part” Not sure this is allowed under A.R.S. § 41-1044.

Office Response

The statute that governs the Attorney General’s disapproval of rules is A.R.S. § 41-1044(E). It is true this law does not have “whole or part” language. The subsection text will be removed based on G.R.R.C.’s comments. In doing so this does not preclude the Attorney General’s Office from making the determination it can approve or disapprove “in part.” The Attorney General’s Office has previously made this determination and since we are merely the filing Office, accepted the filing.

G.R.R.C. Comment

R1-1-106. Receipts (D)(3)(B)

Define “rulemaking action”

Office Response

The Office has defined rulemaking “action” under the definition Section of this Chapter.

G.R.R.C. Comment

R1-1-109(A)(1) and (2)

Not using parallel construction. (A)(1) has a heading/title while (A)(2) does not.

Office Response

The Office has corrected R1-1-109(A)(2).

G.R.R.C. Comment

R1-1-109(A)(1)

Pursuant to A.R.S. § 41-1025, this should read “Substantial substantive changes.”

Office Response

The Office has changed the language to “substantial change” as referenced under A.R.S. § 41-1022(E).

G.R.R.C. Comment

R1-1-109(A)(1)

Odd wording. You could say “accomplished through rulemaking.”

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Office Response

The Office has reviewed the text and changed it to, “An Agency shall make a substantial change to a Notice of Proposed Rulemaking...”

G.R.R.C. Comment

R1-1-109(B)(1)

Insert “or correlate rules” This has come in handy when an agency has incorrect cross-references and can demonstrate that statutes or rules have changed.

Office Response

The suggestion does not fit into the context of the subsection. The Office “may” correct clerical and typographical errors under A.R.S. § 41-1011(C). The Office “shall... correlate all rules” under A.R.S. § 41-1011(C). “Correlate rules” does not belong because the sentence says “may.”

G.R.R.C. Comment

R1-1-109(B)(2)(b)

“corrections in”

Replace with “correction of”

“applicable publication”

The old language was more specific “issue of the *Register* or supplement to the *Code*”? It also offered you an out if you didn't think it would confuse or mislead.

Office Response

The Office has made the correction.

To make the rule clear, the Office has added, “issue of the *Register* or supplement to the *Code*.”

G.R.R.C. Comment

R1-1-110(B)

New language: The date shall be included on the certificate of approval as outlined under R1-1-105.

Is this necessary if it is in the notice?

Office Response

The Office has updated the Council's and Attorney General's certificates to include statements that they approved earlier dates, not the date of approval.

G.R.R.C. Comment

R1-1-110(B)(4)

Insert “on”

Office Response

The Office has made the clarification that the effective date is “on the” date filed as suggested.

G.R.R.C. Comment

R1-1-202 Section Heading

Insert “of the *Register*”

This will inform people that you are referring to the contents of the *Register*.

Office Response

The Office changed the Section heading to “*Register* Contents.”

G.R.R.C. Comment

R1-1-205(C) Missing verbiage

“A notice of Rulemaking Docket Opening shall include:”

Replace with “filing for a Notice”?

Office Response

The Office has corrected the subsection to read, “When filing a Notice of Rulemaking Docket Opening, the notice shall include:”

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G.R.R.C. Comment

R1-1-211(a)(1) “A final rule”

Replace with “A final rule approved under A.R.S. § 41-1052”?

Office Response

The Office has made the change.

G.R.R.C. Comment

R1-1-211(a)(1) “A summary rule”

Replace with “An expedited rule approved under A.R.S. § 41-1053”?

Office Response

The Office has made the change.

G.R.R.C. Comment

R1-1-302 (B) “A supplement contains all final,...”

Replace with “final rules approved under A.R.S. § 41-1052, as well as”

Office Response

The Office will not make the change because the Attorney General’s Office also approves final rules that are published in the *Administrative Code*.

G.R.R.C. Comment

R1-1-401

1. Replace with “Requirements and Guidelines”

2. “As stated previously, while rulewriters should follow the provisions of the *Rulemaking Manual*, the manual’s provisions have not been considered hard and fast rules. Assuming for the moment that the provisions were made mandatory, would you then have more or less flexibility with respect to rejecting rules submitted by agencies. I would say less. I would suggest making modifications to indicate that the manual is still simply a guide. Replace with ‘and should follow the drafting recommendations in the *Arizona Rulemaking Manual*.’”

Office Response

1. The Office will make the change to “Rule Drafting Style and Format” and has removed compliance.

2. The Office has made a clearer reference that the *Manual* makes recommendations.

G.R.R.C. Comment

1. R1-1-414 Heading: Replace with “Material Incorporated”?

2. Documents, Publications, or Standards “This language does not seem to be consistent with A.R.S. § 41-1028(A). The following may be incorporated by reference: ‘. . . all or any part of a code, standard, rule or regulation of the United States or of this state or a nationally recognized organization or association. . .’ By using broader terms than the statute, you may be inviting incorporation of materials not contemplated by the statute. You could replace the language with ‘of Codes, Standards, Rules or Regulations.’”

Office Response

1. See response below.

2. Rather than the determination be specified in our rules the Section heading has been changed to, Materials Incorporation-Incorporated by Reference; Citation of Referenced Material; Eligibility and Citations. The agency has always determined whether it meets the standards under A.R.S. § 41-1028(A) and will continue to do so.

G.R.R.C. Comment

R1-1-414(A)

1. Insert “material”?

2. documents, publications or standards Delete?

Office Response

1. The Office has included the word “material.”

2. The Office has removed the language and based on additional G.R.R.C. comments is removing this language from Section R1-1-414.

G.R.R.C. Comment

R1-1-414(B)

incorporated-by-reference. "It's odd that you strike and underline the same thing here."

Office Response

The Office is removing the hyphens that are hard to see when showing the stricken text.

The Office has added the agency makes the determination that it meets the requirements in law to incorporated by reference materials.

G.R.R.C. Comment R1-1-414(C)(2)

"The statute refers to 'an agency, organization or association originally issuing the matter.'"

"Replace with 'name and address of the agency, organization or association that issued the material;'"

ADEQ Comment R1-1-414(C)(2)

"publisher's name and address if different"

Office Response to G.R.R.C. and ADEQ

See new R1-1-414(C)(3).

G.R.R.C. Comment

R1-1-414(C)(2)

Organization, "Replace with 'agency, organization or association'? See A.R.S. § 41-1028(C)"

"The statute refers to 'an agency, organization or association originally issuing the matter.'"

Replace with "name and address of the agency, organization or association that issued the material;?"

Office Response

The Office has made the clarification to include agencies and associations throughout this Section.

G.R.R.C. Comment

R1-1-414(C)(3)

"I would limit this to 'The date' because I have run into several instances where an agency had great difficulty providing me with the actual publication date of the document. The statute merely says date. Also, the typical 'date' for federal regulations in the *Code of Federal Regulations* is referred to as the 'revision date.' Various standards of national organizations also go by revision dates. The rule needs more flexibility in this regard."

Office Response

Based on the G.R.R.C. response and other responses to this subsection, clarification has been made as to the type of date to include, if available.

G.R.R.C. Comment

R1-1-414(C)(4)

If applicable, "Replace with 'available'?"

Office Response

The Office has made the change.

G.R.R.C. Comment

R1-1-414(C)(6)

1. Replace with "be included"?

Isn't this supposed to be part of a citation to materials incorporated by reference.

2. incorporated by reference material does not include later editions or amendments. "Replace with 'rule does not include any later amendments or editions of the materials incorporated by reference.'?" See A.R.S. § 41-1028(B)

See A.R.S. § 41-1028(B).

ADEQ Comment

R1-1-414(C)(6)

Delete contains no, “does not include later editions or amendments.”

Office Response to G.R.R.C. and ADEQ

1. The Office has clarified that the statement is included “with” the citation.
2. The Office has made the change “does not include.”

G.R.R.C. Comment

R1-1-414(D) for review, “Delete stray period.”

Office Response

This is not a period, it is a comma.

G.R.R.C. Comment

R1-1-414(E)

Any incorporated by reference materials, “Delete?” incorporated by reference.

Office Response

The Office has made the change.

G.R.R.C. Comment R1-1-414(F)

“Insert ‘or association’?” after organization.

ADEQ Comment R1-1-414(F)

“contacting the ~~standards~~ organization”

Office Response

The Office has changed the language to “agency, organization, or association.” The Office removed standards organization.

G.R.R.C. Comment

R1-1-801(A)(1) and (A)(2)

1. *If the notice complies* “replace [*sic* notice] with ‘text’?”
2. *If the notice complies* “replace [*sic* notice] with ‘text’?”

Office Response

To be consistent with the law, rather than use the word “text” as suggested, the Office has changed the word “notice” to “wording.”

G.R.R.C. Comment

R1-1-801(C)(5)(d)

d. An agency’s explanation why the proposed expedited rule should be made, amended, repealed, or renumbered under A.R.S. § 41-1027(C). “Is this reference to 41-1027(C) referring specifically to the last part of the subsection ‘an explanation of how the proposed expedited rule making meets the criteria in subsection A of this section’? It may be confusing for the reader, who will go to C, and then have to figure out that an explanation of how the rulemaking meets the criteria in A is that is required.

Could you be more specific and indicate that the writer needs to explain how the proposed expedited rulemaking meets the criteria in 41-1027(A)?”

Office Response

The Office has changed the reference.

G.R.R.C. Comment

R1-1-801(C)(5)(g)

g. A statement that the agency is excluded from providing an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2). “Replace with ‘exempt from the requirements to prepare and file’? See A.R.S. § 41-1055(G).”

Office Response

The Office has made the clarification and has included the reference to the statute.

G.R.R.C. Comment

R1-1-801(C)(5)(h)

h. Agency personnel to contact about the proposed expedited rule. “Replace with ‘The agency’s contact person who can answer questions about the preliminary summary of the economic, small business, and consumer impact of’?”

This would seem to be necessary under the ‘solicitation of input’ provision in A.R.S. § 41-1001(15(a)(v)).”

Office Response

The Office has made the suggested clarification.

G.R.R.C. Comment

R1-1-801(C)(5)(i)

i. Where, when, and how “Is this language that you are using to satisfy the requirement in A.R.S. § 41-1001(15)(c)?”

Office Response

The Office has made clarification to the reason behind the rulemaking under R1-1-801(C)(5)(5). The Office has made the language clearer in this Section.

G.R.R.C. Comment

R1-1-801(C)(5)(j)(i)

i. Whether the rule requires a permit, whether “Insert ‘license, or agency authorization;’? [sic after permit] See A.R.S. § 41-1037(A).”

Office Response

The Office has made the change.

G.R.R.C. Comment

R1-1-801(C)(5)(j)(i)(i)

ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and

“Expedited rule making is supposed to be limited. With respect to incorporation of federal regulations by reference, an agency would only be able incorporate federal regulations by reference without material change. See A.R.S. § 41-1027(A)(6).

It would therefore be difficult to make the rule more stringent than federal law using this method.

Making a rule more stringent than a federal statute or regulation would also seem to be precluded if the stringency in any way increases the cost of regulatory compliance. See A.R.S. § 41-1027(A).

Bottom line: I believe this factor was not included in the list of criteria in A.R.S. § 41-1027(H) because it was thought it would not be an issue with expedited rulemaking.”

Office Response

Based on G.R.R.C. analysis, this subsection has been removed.

G.R.R.C. Comment

Don't we need an item for incorporated materials, similar to what is in the current Notice of Proposed Rulemaking?

An agency will be able to incorporate federal regulations by reference under A.R.S. § 41-1027(A)(6).

Office Response

Incorporated by reference language has been added to the preamble. "A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:"

G.R.R.C. Comment

R1-1-801(D)(2) and R1-1-802(D)(2)

D. A Notice of Proposed Expedited Rulemaking shall include: "Replace with 'filing for a Notice'?"

Office Response

The Office will be consistent with other rules in this Chapter. It has changed the language of this sentence to "...Rulemaking package shall include:"

G.R.R.C. Comment

R1-1-801(D)(2)(A) Insert "request" as stated in language of 41-1027(C) (and to distinguish the request in (C) from the notice in (B)).

Office Response

The Office has made clarification to the requirements of both subsections in the law under R1-1-801(D)(2)(a) and (b). Similar changes were made in R1-1-803.

G.R.R.C. Comment

R1-1-802

1. "I don't see this 'Notice of Objection' stated anywhere in statute or rule (until now), except in the reference provided in 41-1013(B)(12) which states that the *Register* shall contain '..notices that an objection was received regarding a proposed expedited rulemaking.'"

2. "I am not sure that the process under R1-1-802 is necessary or the least burdensome way to proceed here. As we discussed, this alone will likely discourage many agencies from proceeding with a rulemaking and delay, and even add more requirements to, what is supposed to be, at least in name, an 'expedited' process."

3. "Rather than file a Notice of Objection to Proposed Expedited Rulemaking, couldn't the agency simply respond to the objections like any other comment in the Notice of Final Expedited Rulemaking?"

4. "Although A.R.S. § 41-1013(B) indicates that the *Register* must contain 'notices that an objection was received,' A.R.S. § 41-1027 does not appear to require that a Notice of Objection be filed with the SOS."

5. "Are you interpreting this as a mandatory step in the process?"

Office Response

1. The language is clear in A.R.S. § 41-1013(B)(12) that the *Arizona Administrative Register* shall contain "Proposed and final notices of expedited rule making and notices that an objection was received regarding a proposed expedited rule making." We therefore are required to publish a notice. The type of information in the notice has been changed after review of the statutes.

2. Our Office shall publish a notice that "an objection was received." We will therefore simplify the notice. Agencies will be filing a notice with our office that they received an objection or objections as required under the law. Our rule will not indicate when the Notice of Objection is filed. Much like how Notices of Docket Openings are filed with Notices of Proposed Rulemakings, a "Notice of Objection" will be filed with our office the same time or before the Notice of Final Expedited Rulemaking is filed with G.R.R.C.

3. Under A.R.S. § 41-1001(9), a final rule includes, "expedited rules pursuant to section 41-1027." When a preamble is prepared for a final rule under A.R.S. § 41-1001(15)(d)(iii), it shall include "A summary of the comments made regarding the rule and the agency response to them." These comments shall include objections to the proposed notice.

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4. You state that the law does not appear to require that a Notice of Objection be filed with the Secretary of State's Office. Since the *Register* shall contain: "12. Proposed and final notices of expedited rule making and notices that an objection was received regarding a proposed expedited rulemaking" the only way any notice can be published in our Office is that first it must be filed.

We have adopted submission requirements for filing under R1-1-103. In order to be published, the document first must be filed.

5. We have determined upon review that a Notice of Objection, is just that, a notice that the agency received objections on the proposed expedited rules. The publication of the notice is mandatory under the law. Objections shall be summarized in the final notice in the preamble as required under A.R.S. § 41-1001(15)(d)(iii).

G.R.R.C. Comment

R1-1-803

1. "Should consider combining R1-1-802 (Notice of Objection) with R1-1-803."

2. "Do you need a provision related to the effective date. See A.R.S. § 41-1001(15)(d)(v)"

3. R1-1-803(5)(I) and (J) "Insert 'and objections'?"

Office Response

1. The Notice of Objection has been simplified. The response to the objections will be included in the preamble of the Final Notice of Expedited Rulemaking. Objections will be reviewed by the agency in the preamble.

2. An effective date provision has been added.

3. The section was amended to include "objections" since they are no longer being summarized in the Notice of Objections.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision:

Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:

The Office anticipates a minimal economic impact on agencies, small businesses and consumers. Agencies meeting the eligibility requirements of expedited rulemaking should benefit from reduced staff time to prepare rules.

10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name:	Scott Cancelosi
Address:	Director, Public Services Division Office of the Secretary of State 1700 W. Washington St., 7th Floor Phoenix, AZ 85007
Telephone:	(602) 542-0223
Fax:	(602) 542-4366
E-mail:	scancelosi@azsos.gov

11. The time, place, and nature of the proceedings to make, amend, renumber or repeal the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the supplemental proposed rule:

An oral proceeding is not scheduled. Persons may request an oral proceeding by contacting the agency's contact person under item 4.

If an oral proceeding is not requested, the rulemaking record will close at 5:00 p.m. 30 days after the publication of this Notice in the *Administrative Register*.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

The supplemental proposed rule is not subject to Council review.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general per-

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mit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

14. The full text of the rules follows:

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE - RULES AND RULEMAKING

ARTICLE 1. GENERAL PROVISIONS

Sections

- R1-1-101. Definitions
- R1-1-103. ~~Submission Requirements for Publication and Filing Requirements~~
- R1-1-104. ~~Submitting Material~~ How to File Documents for Publication
- R1-1-105. Certificates
- R1-1-106. Receipts
- R1-1-107. ~~Filing Location~~ Where to File
- R1-1-109. ~~Correction~~ Corrections of Errors
- R1-1-110. Effective Date
- R1-1-114. ~~Official Distribution~~ Complimentary Copies of the *Register* and the *Code* ~~at No Charge~~

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER

Sections

- R1-1-202. Register Contents
- R1-1-205. Notice of Rulemaking Docket Opening
- R1-1-211. Summary of Council Action

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

Sections

- R1-1-302. Publication of the *Code* and its Supplements

ARTICLE 4. RULE DRAFTING

Sections

- R1-1-401. Rule Drafting Style and Format
- R1-1-414. ~~Materials Incorporation~~ Incorporated by Reference; Citation of Referenced Material; Eligibility and Citations

ARTICLE 5. PROPOSED RULEMAKING

Sections

- R1-1-502. Notice of Proposed Rulemaking

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ARTICLE 8. SUMMARY RULEMAKING EXPEDITED RULEMAKING

Sections

R1-1-801.	Notice of Summary Rulemaking <u>Notice of Proposed Expedited Rulemaking</u>
<u>R1-1-802.</u>	<u>Notice of Objection to a Proposed Expedited Rulemaking</u>
<u>R1-1-803.</u>	<u>Notice of Final Expedited Rulemaking</u>

ARTICLE 10. RECODIFICATION

Sections

R1-1-1001. Notice of Recodification

ARTICLE 1. GENERAL PROVISIONS

R1-1-101. Definitions

~~The following~~ In addition to the terms defined under A.R.S. § 41-1001, these words are definitions apply defined for use in this Chapter unless the context otherwise requires:

“Act” means A.R.S. §§ 41-1001 et seq., the “Administrative Procedure Act,” “APA,” or “Act” means Arizona Revised Statutes, Title 41, Chapter 6, Administrative Procedure.

“Agency” has the same meaning as in A.R.S. § 41-1001.

“Amendment” means a change to:

~~A Section, including added or deleted language;~~

~~A Part, by the addition or repeal of one or more Sections;~~

~~An Article, by the addition or repeal of one or more Sections or Parts;~~

~~A Subchapter, by the addition or repeal of one or more Articles, Parts, or Sections; or~~

~~A Chapter, by the addition or repeal of one or more Subchapters, Articles, Parts, or Sections.~~

“Amend” means to change, correct, or revise some but not all text in any Section, Part, Article, Subchapter or Chapter.

“Appendix” means supplementary material to a set of rules, written in prose format.

“Arizona Administrative Code” or “Code” has the same meaning as in A.R.S. § 41-1001(2). It contains “the full text of each final rule filed with the secretary of state and each rule made pursuant to a statutory exemption...” A.R.S. § 41-1012(A)

“Arizona Administrative Register” or “Register” has the same meaning as in A.R.S. § 41-1001(17). The Register contains rulemaking documents and public records as listed in A.R.S. § 41-1013(B) et seq.

“Arizona Rulemaking Manual” means the guide state’s rulemaking handbook. It is prepared by and available from the Office as a guide to Arizona for use by agencies when engaged in rulemaking.

“A.R.S.” means the Arizona Revised Statutes, the laws of the state of Arizona.

“Article” means a division of an agency’s rules under a Code Chapter that containing contains a unified set of rules.

“Authority” means the statutory right or power to make, amend, or repeal rules.

“Authority note or notes” means the information an agency’s implementing and authorizing statutes to make, amend, or repeal rules; not a part of the rule, appearing An agency may request an authority note be published at the beginning of a Code Chapter, Subchapter, Article, or Part under R1-1-407. that cites the implementing and authorizing statutes for the rules appearing in that Chapter, Subchapter, Article, or Part.

“Chapter” means a division in the codification of the Code, under a Title, that is numbered by the Office and named after designating a state an agency or, for a large agency, a major agency’s program.

“Close of record” means the last date and time on which an agency accepts comments, either written or oral, on a rulemaking Public Record.

“Code” means the Arizona Administrative Code published under A.R.S. § 41-1011.

“Codification” means the labeling and numbering scheme for the rules contained the collection and systematic arrangement, by subject, in the Code: of the rules that govern a specific area or subject of law or practice.

“Commercial purpose” has the same meaning as A.R.S. § 39-121.03.

“Economic, Small Business, and Consumer Impact Statement” means the document that an agency makes to show that the agency has studied the rule’s economic impact on the regulated community as well as the impact on small businesses

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~~and consumers~~ has the same meaning as in A.R.S. § 41-1055. It is prepared by an agency and filed with an agency's rulemaking package.

"Electronic media" or "electronic medium" means ~~any type of material~~ the distribution format for data storage used ~~by on~~ a computer. This includes: floppy disks, CDs, DVDs, and flash (thumb) drives.

"Emergency rule" ~~has the same meaning as in A.R.S. § 41-1001~~ A.R.S. § 41-1001(7).

"Exempt rule" means a rule that is exempt from the provisions of the Act. "Exempt rule" does not include a rule that is exempt only from Council review.

"Exhibit" means supplementary material used for items that do not fit the definition of an Appendix, Table, or Illustration.

~~"Council" means the Governor's Regulatory Review Council," or "Council" established~~ has the same meaning as in under A.R.S. § 41-1051.

"Heading" means the ~~caption~~ title for any level of division ~~within in~~ the *Code*.

"Historical note" means ~~the note appearing information published by the Office after each Section, Appendix, Exhibit, Illustration, or Table, of in a Chapter, or after each separate Appendix, Exhibit, Illustration, or Table, in the Code that gives, the~~ The historical note provides the history of that particular Section, Appendix, Exhibit, Illustration, or Table, and including includes:

~~the~~ The rulemaking action,

~~the~~ The Register citation where the rulemaking package was published,

~~the~~ The rule effective date, and

~~the~~ The Code Supplement number in which the Section, Appendix, Exhibit, Illustration, or Table was published.

"Illustration" means supplementary material used for diagrams, pictures, and other graphics.

"Label" means the number or letter ~~that is assigned to a division of the Code division and to its subsections, and that A label is used to identifies identify the a particular Code division or subsection.~~

"Notice form" means ~~the a form prescribed by the Office and that used an agency uses when submitting to file material documents to the Office for filing or publication.~~

"Office" means the Department of State, Office of the Secretary of State, Public Services Division.

"Other documents" means a record or other information required by statute to be printed in the *Register* not listed under R1-1-103(F).

"Part" means a division of the *Code* between Article and Section.

"Preamble" has the same meaning as in A.R.S. § 41-1001(15).

"Public record," ~~for purposes of this Chapter, means a record that a governmental unit is required by law to retain or that is necessary to keep in discharge of duties imposed by law. Public records include filed the rulemaking documents as filed by state agencies with the Secretary of State, and the rules as published by the Secretary of State in either the Code or the Register, or the rules as generated in any electronic format by the Secretary of State.~~

"Register" means the *Arizona Administrative Register*, ~~published under A.R.S. § 41-1013.~~

~~"Renumbering"~~ "Renumber" means ~~to changing~~ change the numbers of one or more ~~whole~~ Sections in their entirety. Renumbering does not include changing the labels of subsections within a Section.

"Repeal" means to rescind ~~and remove a rule by removing it from a Chapter heading, Subchapter heading, Part heading, Article heading, or a Section and its heading in its entirety, the Code.~~

"Rule" means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intra-agency memoranda that are not delegation agreements. A.R.S. § 41-1001(17) A.R.S. § 41-1001(18)

"Rulemaking action" or "action" means one of four procedures. They are: Repeal, Renumber, Amend, and New Section (or Article). Only one rulemaking action shall be listed per line in a preamble.

"Rulemaking" or ~~"rulemaking activity"~~ means the process a state agency uses to make, amend, or repeal a rule ~~"rulemaking process"~~ has the same meaning as in A.R.S. § 41-1001(19).

"Rulemaking activity" means an agency is actively engaged in rulemaking.

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“Rulemaking package” or “rulemaking documents” means ~~all material~~ a collection of receipts, certificates, notices, rules, and rule-related documents (for example, a copy of a letter or e-mail from the governor stating an agency may proceed with a rulemaking under a rulemaking moratorium executive order) filed as a unit with the Office as part of rulemaking. The requirements of what makes up the collection of documents for a specific rulemaking package is noted under the notice Sections in this Chapter. Additional rule-related documents may be required under an executive order and amendments to the Administrative Procedures Act.

“Section” means an individual rule that is a unit of an Article or Part.

“Section number” means the ~~number~~ letter-number combination that identifies assigned to a Section.

“Subchapter” means a ~~division of the Code~~ division between a Chapter and Article.

“Subsection” means a ~~division paragraph of in~~ a Section of the ~~Code~~.

“~~Summary rule~~” means a rule made under A.R.S. § 41-1027.

“Supplement” means a quarterly ~~Code update to the Code~~ release.

“Table” means supplementary material ~~containing tabular information~~ organized in a systematic arrangement by columns and rows.

“Title” means a subject area in the codification of the *Code*.

R1-1-103. ~~Submission Requirements for Publication and Filing Requirements~~

- A.** ~~An agency submitting material for filing or publication in the Register or Code shall send one original and two copies to the Office. A notice and supporting documents shall be prepared according to the Administrative Procedure Act, Article 3, Rule Making and the requirements in this Chapter.~~
- B.** Typesetting specifications.
1. Page layouts shall be set to use a one-inch margin.
 2. A font size shall be no smaller than 9 point or larger than 12 point.
 3. Paragraph spacing shall be set to be at least 1.5 lines or double-spaced. If applicable, the Economic, Small Business, and Consumer Impact Statement may be single-spaced.
 4. Page numbers shall be consecutively numbered on all pages of the rulemaking package in the footer.
 5. Footnotes or endnotes shall not be used on a receipt, certificate, preamble or in the text of a rule.
- C.** Paper file specifications.
- ~~B.1. All pages of an An original rulemaking package document and all copies, including all receipts and certificates accompanying the document, shall be printed on one side. All pages shall have a one-inch margin on all edges. All pages of the original document shall be double-spaced or spaced space and a half. The following may be single-spaced:~~
- ~~1. The Economic, Small Business, and Consumer Impact Statement; and~~
 - ~~2. Incorporated by reference material.~~
- C.** ~~The text and images on all original pages and copies shall appear be clear and legible. The Office shall return to the agency a rulemaking package that does not contain an original of both the text and all supplementary material. An agency shall not use a text font size smaller than 9 point or larger than 12 point.~~
2. Other notices and all copies shall be printed on one side.
- E.** ~~All rulemaking packages submitted for publication shall meet the following requirements:~~
- ~~1.3. The original Pages shall not be:~~
 - ~~a. stapled-Stapled, nor shall it or any of the copies be~~
 - ~~b. hole-Hole punched; The Office shall not accept~~
 - ~~c. Or printed on pleading paper, with numbers and vertical lines along the right or left hand margins.~~
 - ~~2. Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice or on the Preamble, as applicable, the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified in the column headed “Sections Affected.” Articles, Parts, and Subchapters shall be specified if their labels or headings are being changed or if the Articles, Parts, and Subchapters are being added to the Chapter or repealed in their entirety.~~
 - ~~3. Underlining shall be used for text added to rules. This includes new language for a Chapter, Article, or existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.~~
 - ~~4. The Preamble of a rulemaking package shall not contain footnotes or endnotes. This subsection does not apply to the Economic, Small Business, and Consumer Impact Statement and material that is incorporated by reference.~~

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5. ~~A table of contents listing all Sections and other divisions of the Chapter on which rulemaking is taking place shall be included in the rulemaking package after the last item in the Preamble and before the text of the first Section. Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included in the table of contents. The table of contents shall not include page numbers to the various Sections in the rulemaking, nor shall it be labeled "Table of Contents."~~
 6. ~~Pages in the package shall be consecutively numbered, from the first page of the Preamble through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.~~
 4. Two copies shall be made of the original rulemaking package and rule-related documents.
 - 7-~~D.~~ Filing Specifications. An agency shall compile a ~~The original rulemaking package and copies shall be compiled as listed before submitting it to the Office.~~
 1. ~~An~~ Two agency shall place the receipts shall be placed on top of the entire submission original rulemaking package and copies as prepared under R1-1-105.
 2. ~~and place the~~ The original rulemaking package and supporting documents and each copy of the items listed below shall be collated in the following sequential order:
 - a. ~~The Council~~ If applicable, the original signed certificate of approval or from either the Council or the Attorney General certificate of approval, if applicable as prepared under R1-1-105;
 - b. The original signed agency certificate as prepared under R1-1-105;
 - c. The original notice, including the Preamble as prepared under the requirements of the notices Section of this Chapter;
 - d. The table of contents;
 - e. The original text of the rule to including include supplementary material within the rules;
 - f. If applicable, The the Economic, Small Business, and Consumer Impact Statement, if applicable (A.R.S. § 41-1055); and
 - g. ~~Incorporated by reference material and other~~ Other information rule-related documents required to be filed with the rule ~~(compiled only with the original rule rulemaking package).~~
 3. The two copies of the rulemaking package and supporting documents shall be collated as listed under subsection (E)(2) and placed under the original documents.
 - ~~D.~~ 4. An agency shall file only one Chapter per notice for any rulemaking activity. If an agency files more than one Chapter per notice, the Office shall return the notice to the agency.
 - E.** Other notices that do not amend rules but describe official actions, agreements, policies, duties, or guidance shall be filed as specified under statute and this Chapter.
 1. Examples of other filings include but are not limited to notices of:
 - a. Agency Ombudsman (R1-1-212).
 - b. Substantive Policy Statement (R1-1-210).
 - c. Agency Guidance Document (R1-1-210).
 - d. Proposed or Final Delegation Agreement (R1-1-208).
 - e. Formal Rulemaking Advisory Committee (R1-1-206).
 - f. Objection to a Proposed Expedited Rulemaking (R1-1-802).
 - g. Public Information, and
 - h. Petition.
 2. Other notices shall be prepared as specified under subsections (A) and (B).
 3. Filing specifications. Other notices shall be compiled as listed:
 - a. Two agency receipts shall be placed on top of the notice as prepared under R1-1-106.
 - b. The notice shall be placed under the receipts.
 - c. Other rule-related documents shall be placed under the notice.
 4. An agency shall contact the Office if a notice form is not listed in this Chapter.
 - F.** ~~The Office shall not accept but shall return to the agency a rulemaking package~~ a filing ~~that does not meet the requirements of this Chapter.~~
- R1-1-104. Submitting Material** ~~How to File Documents for Publication~~
- A.** ~~An agency submitting a rulemaking package or other notice, as specified in the Act and this Chapter, to the Office for publication in the Register shall follow deadlines established by the Office and published Submission deadlines and a publication schedule are printed in the Register. Notices filed are published under this schedule.~~
 - B.** Filings are accepted during Office hours. Office hours are 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The filing mailing address and location are listed under R1-1-107.

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~~B-C.~~ An agency shall submit its A rulemaking package shall be filed in on paper copy as required under R1-1-103. The paper copy is the official document of record.

D. Notices shall also be filed and in on an electronic medium. This is to ensure accuracy between the filing and the printed version in the Code and Register.

1. ~~All electronic~~ Electronic media submissions shall be compatible with the Office's computer system and software. Information about the types of media accepted is available in the Arizona Rulemaking Manual.

2. An agency shall not save electronic format rules as templates, images or in portable document formats.

~~C.~~ Information other than rulemaking notices required by law to be published in the Register shall be submitted to the Office in an electronic medium and in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, notices of guidance documents, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.

~~D.~~ An agency shall use the correct notice form prescribed by the Office when submitting material to the Office for publication or filing. An agency shall contact the Office when using a form not prescribed by the Office.

R1-1-105. Certificates

A. Agency certificates. An agency certificate is evidence that an agency head or agency head's designee reviewed and approved shall accompany each a rulemaking package.

B. An agency certificate shall be prepared as specified in this Section.

1. An original and two copies of the certificates shall be filed with each rulemaking package. The Office shall not consider a package submitted to the Office without an agency certificate to be formally filed.

2. The certificate shall be printed on one side and shall state the following include:

1-a. The heading "AGENCY CERTIFICATE" in capital letters centered on a line at least one inch from the top of the page;

2-b. The type of notice being submitted; the certificate is being attached to in capital letters centered on a line below "AGENCY CERTIFICATE"; and

3-c. The following numbered items, consecutively numbered:

a-i. The agency name;

b-ii. The Chapter heading;

e-iii. The Code citation for the Chapter;

d-iv. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;

v. The attestation, "The rules contained in this package are true and correct as proposed, made etc."

e-vi. The signature, in ink, of the agency chief executive officer-officer's or designee-designee's signature, in ink, affirming to the attestation, attesting that the material being submitted is a true and correct version of the rule proposed or made by the agency. The certificate shall include under which shall be the printed or typed name of the person signing the form, the person's title, and the date of signing signed; and

f. For a final rule, a statement that no changes have been made since the Council approved the rule if the rule is subject to Council review and approval.

C. Agency certificates, exemption from the rulemaking process.

1. An agency certificate shall be filed with a rulemaking package containing rules exempt from both Council and Attorney General review.

2. The agency certificate shall include the information required in subsection (B) and meet the filing specifications under R1-1-103.

3. The certificate also shall:

a. State the reason why the rules are exempt from review; and

b. List the statutory citations, constitutional provisions, or citations to court decisions that specify the exemption to the rulemaking process.

~~B-D.~~ A-Council certificate-certificates. A Council certificate is evidence the Council reviewed the rule, and approved the rule in whole or in part.

1. Council certificates shall be filed with a rulemaking package containing rules of approval shall accompany all final rules-subject to Council review.

2. A certificate shall be prepared by Council.

3. The certificate shall state:

a. Whether a rule has been approved;

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- b. Whether a part of a rule or a rule Section has been disapproved;
 - c. Whether Council, upon review, amended an agency's final rule.
 - d. If the Council disapproves, under subsection (D)(3)(b), or amends under (D)(3)(c), the Council shall include a statement that the agency was aware of the changes and the name of the person contacted.
 - e. If applicable, a statement that the agency's immediate effective date or date earlier than the 60-day effective date has been approved as specified under R1-1-110 and A.R.S. § 41-1032 et seq.
4. ~~When the Council submits the rules to the Office for an agency, the~~ The original Council certificate shall be attached to the rules as approved by the Council. The Office shall not accept any final rulemaking package subject to Council review and approval if the return a Council filing if a rulemaking package does not include an original certificate of approval is missing or altered in any way.

~~E.E.~~ An Attorney General certificates. An Attorney General certificate of approval or disapproval is evidence the Attorney General reviewed rules and approved the rule.

1. The Attorney General shall prepare a certificate of approval or disapproval.
2. The original and two copies of the certificate shall accompany be filed with all rules subject to Attorney General review. The certificate shall be attached to the original rulemaking document within the rulemaking package.
3. The Office shall not accept return the filing if the a rulemaking package does not include an original subject to Attorney General review and approval if the Attorney General certificate of approval or disapproval is missing or altered.
4. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval and listing list all Sections not approved and attach file it to with the package.
5. If applicable, a statement that the agency's immediate effective date or date earlier than the 60-day effective date has been approved.

~~D.~~ An agency certificate accompanying a rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in subsections (A)(1) through (3) and shall include a statement specifying why the rules are exempt from review along with a citation to the statutory or constitutional provision or a citation to the court decision specifying the exemption.

~~E.F.~~ Certificate Signatures.

1. ~~On an An~~ An agency certificate, shall have the agency chief executive officer's name and title shall be typed under the ink signature and the date of signing signed shall be indicated. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date of signing signed shall be indicated.
2. A Council certificate shall have the chairperson's, or the chairperson's designee's, name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
3. An Attorney General certificate shall have the Attorney General's name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
4. The Office shall not accept an agency certificate that contains one person's signature and another person's typed name.

G. Notices filed without certificates as specified in this Section shall be returned.

R1-1-106. Receipts

A. A receipt time- and date-stamped by the Office is evidence a notice was filed.

B. An agency shall prepare a receipt as outlined in this Section and specified under R1-1-103. ~~An agency submitting a rulemaking package or other document to the Office for publication or filing under the Act shall attach at least two copies of a receipt. The Office shall time- and date-stamp all receipts, keep one receipt for its files, and return the other receipts to the agency.~~

C. Two receipts shall be filed with every notice.

D. The original receipt and copy shall be printed on one side and shall state the following include:

1. The heading "AGENCY RECEIPT" in capital letters centered on a line at least one inch from the top of the page;
2. The type of notice being submitted, in capital letters centered on a line below "AGENCY RECEIPT"; and
3. For rulemaking packages and related notices The the following numbered items, consecutively numbered:
 - a. The agency's name; and
 - b. If applicable, the Title, Chapter, Subchapter, Article, Part, and Sections that are contained in the rulemaking package and the each rulemaking action occurring on each.
4. For other non-rule related documents:

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- a. The agency name, and
- b. The subject of the notice.

R1-1-107. ~~Filing Location~~ Where to File

To file:

- 1. In person ~~An agency, the Council, or the Attorney General shall either file rules in person with the Office at the State Capitol Executive Tower, 1700 West Washington, 7th Floor, Phoenix, Arizona; or~~
- 2. By inter-agency mail, use the address above; or
- 3. By mail the rules to: address is Secretary of State, Public Services Division, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007-2888 ~~85007-2808. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.~~

R1-1-109. ~~Correction~~ Corrections of Errors

A. Agency Corrections.

- 1. Notice of Proposed Rulemaking. ~~After a proposed rulemaking package is filed with the Office, An Agency shall make a substantial change to a Notice of Proposed Rulemaking an agency may make a substantive change in the text only by filing a Notice of supplemental proposed rulemaking Supplemental Proposed Rulemaking package showing the change, as specified as outlined in under R1-1-507 and A.R.S. § 41-1022(E).~~
- 2. Notice of Expedited Rulemaking. An agency may correct, under expedited rulemaking, typographical errors, make address or name changes or clarify language of a rule without changing its effect under A.R.S. § 41-1027(A)(5) and as outlined under Article 8.

B. ~~After a final, proposed summary, final summary, exempt, or emergency rulemaking package is filed with the Office, an agency may request that the~~ Office Corrections.

- 1. The Office may correct a manifest typographical or clerical error under A.R.S. § 41-1011(C).
- 2. The Office may request written documentation from an agency to clarify in the text by filing the corrected pages, accompanied by a letter signed by the agency's chief executive officer or the officer's designee requesting the Office to correct the error and specifying why the agency considers the error a manifest typographical or clerical error correction.
 - a. The documentation shall be filed with the corrected pages and the letter shall both indicate the specific changes to be made. Both the original rulemaking package, and the corrected pages shall remain on file.
 - b. The Office shall make and publish the corrections of the manifest typographical or clerical error in the next available issue of the *Register* or supplement to the *Code* under the published deadline schedule. An error that the Office considers substantive in nature shall be corrected through the regular rulemaking process.

C. ~~If, upon review, an issuing agency discovers an error in its rules as published in the *Code* or *Register*, the agency shall notify the Office in writing about the error.~~

- 1- ~~If the error is substantive and was in the document as submitted by the agency, the agency shall go through the regular rulemaking process to correct the error.~~
- 2- ~~If the error is a manifest typographical or clerical error, the agency shall follow the procedure in subsection (B), and the Office shall follow the procedure in subsection (D) to print the correction.~~

D. ~~If the Office finds an error in the printing of a rulemaking package in the *Register* or *Code* or an agency notifies the Office about a manifest typographical or clerical error and follows the procedures specified in this Section, the Office shall correct the error in the next available issue of the *Register* or supplement to the *Code* if the Office determines that the error would confuse or mislead the reader. If the error would not confuse or mislead the reader or is in a note or heading not considered part of the rule, the Office shall correct the error and publish the correction in the next supplement to the *Code*.~~

R1-1-110. Effective Date

~~A.~~ A rule becomes effective sixty days after a certified original and two copies of the rule and preamble are filed in the office of the secretary of state. A.R.S. § 41-1032. For a final or emergency rule, the effective date is 60 days after the date of filing in the Office, unless:

- 1. The Council or the Attorney General may approve allow an effective date earlier than 60 days, after the date of filing in the Office, or
- 2. An agency may specifies specify an effective date later than 60 days after the date of filing in the Office. The effective date shall be included in the rulemaking package.

~~B.3.~~ For a summary rule, the interim effective date is the date the proposed summary rule is published in the *Register*. If the Council approves the an summary expedited rule rulemaking, and the agency files it in the Office under A.R.S. §

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~~41-1027(I), the interim effective date becomes the permanent effective date 60 days after the date of filing in the Office expedited rule becomes effective 30 days following publication of the Notice of Final Expedited Rulemaking in the Register. A.R.S. § 41-1027(J)~~

~~C-4. For a A Notice of Recodification, the is effective on the date is the date of filing filed in the Office.~~

R1-1-114. ~~Official Distribution Complimentary Copies of the Register and the Code at No Charge~~

- A. ~~The Office shall distribute copies Upon request, complimentary paper copies of the Register and the Code to the following, shall be provided to upon request, without charge:~~
1. Governor: one copy;
 2. Legislature:
 - a. The Senate: six copies;
 - b. The House of Representatives: six copies;
 - c. The Department of Library, Archives, and Public Records: three copies;
 3. Attorney General: 15 copies;
 4. Supreme Court: one copy;
 5. Counties. Each county law library (or one major public or university library per county if the county does not have a law library): one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription is to be sent when there is no county law library;
 6. Governor's Regulatory Review Council: one copy ~~of the Register and one copy of the Code.~~
- B. ~~The Office may distribute one copy of individual Chapters as printed in a Code supplement free of charge to the agency filing the An agency that files a final, summary, expedited, emergency, or exempt rule if the agency may requests request a one complimentary copy of its Chapter.~~

R1-1-202. Register Contents

~~Each issue Register contents of the Register shall contain all material submitted in the categories specified by include:~~

1. Public records listed under A.R.S. §§ 41-1013 and 49-112; and
2. Other documents as listed under R1-1-103(F). ~~any other items required by state statute or session law to be published in the Register.~~

R1-1-205. Notice of Rulemaking Docket Opening

- A. ~~When a rulemaking docket is established, an agency shall submit An agency shall prepare a notice of rulemaking docket opening Notice of Rulemaking Docket Opening under A.R.S. § 41-1021 and this Section to the Office.~~
- B. The Notice of Rulemaking Docket Opening shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF RULEMAKING DOCKET OPENING in all capital letters centered on a line approximately one inch from the top of the page;
 2. followed by On a centered line under the notice heading, in all capital letters, the name of the agency below the notice heading centered on the line.
 3. The remainder of the notice shall contain the following information Under the agency name, the listed items consecutively in the same numbered order:
 - ~~1-a.~~ The Title and its heading;
 - b. ~~the The Chapter and its heading;~~
 - c. If applicable, the Subchapter and its heading, if applicable;
 - d. ~~the The Article and its heading;~~
 - e. If applicable, the Part and its heading, if applicable; and
 - f. ~~the appropriate Section or Section numbers;~~
 - a.i. ~~If an agency does not know specific Sections at the time of docket opening, the An agency may shall specify the phrase "Sections to be determined." if Section numbers have not yet been assigned to rules.~~
 - b.ii. If an agency knows specifies Sections under subsection (B)(3)(f) and anticipates but may want to add adding Sections to the rulemaking as the rulemaking is drafted, the agency shall specify list the particular Sections and add the language phrase "Sections may be added, deleted, or modified as necessary."
 - ~~2-4.~~ The subject matter of the proposed rule and if applicable, the agency docket number, if applicable;
 - ~~3-5.~~ A citation to all published notices relating to the proceeding, including the type of published notice, the Register volume number; the abbreviation "A.A.R."; the page number on which the notice began; and the issue date including month, day, and year A list of Register citations formatted as provided under R1-1-409(A) of any notices filed and published relating to the Notice of Rulemaking Docket Opening;

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~~4.6. The name and address of agency personnel with whom persons may communicate regarding the proposed rule (this may include a telephone number, fax number, and e-mail address); The agency's contact who can answer questions about the rulemaking. This information shall include:~~

- ~~a. Name;~~
- ~~b. Address;~~
- ~~c. Area code and telephone number; and~~
- ~~d. If applicable, fax number, e-mail and web site addresses.~~

~~5.7. The time time-frame during which the agency will accept written comments and if applicable the time and place where oral comments may be made; and~~

~~6.8. If known, A timetable for agency decisions or other action-actions on the proceeding, if known.~~

C. When filing a Notice of Rulemaking Docket Opening the notice shall include:

- 1. Two agency receipts as specified in R1-1-106;
- 2. An original and two copies of the notice as specified in R1-1-103.

D. Documents listed under subsection (C) and the Notice of Rulemaking Docket Opening shall be filed for publication in the Register.

R1-1-211. Summary of Council Action

A. The Under A.R.S. § 41-1013, the Council shall submit to the Office for Register publication prepare a summary of Council action on:

- 1. each A final rule approved under A.R.S. § 41-1052; or
- 2. An summary rule expedited rule approved under A.R.S. § 41-1053.

B. The Council may summarize Rules-rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, if Sections affected are listed and grouped together into one rulemaking package, may be summarized together if the specific Sections affected are listed.

C. The Council shall file a Summary of Council Action for publication in the Register.

ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

R1-1-302. Publication of the Code and its Supplements

A. The Office shall publish the The Code is published in loose-leaf form as specified in the Act under A.R.S. § 41-1012(B).

- 1. A Code publication schedule is printed in the Register.
- 2. A free copy of the schedule is available upon request.

B. The Office shall update the The Code by is updated quarterly supplements. A supplement containing contains all final, summary-expedited, emergency, and exempt rules filed in the Office during each a calendar quarter.

C. Supplements A supplement release date are is dated with the last day of the calendar quarter. Supplements are A supplement is numbered according to the by calendar year of publication and the number of the quarter. The Office shall publish a supplement calendar in the Register.

D. Supplements A supplement are is printed in complete by Chapters.

E. Each time the Office publishes a supplement to the A Code, the Office issues a new price list showing all Chapters in the Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter is published under A.R.S. § 41-1012(D). The price list is available online at www.azsos.gov. A free copy of the price list is available upon request.

F. Persons may buy individual Code Chapters or Titles of the Code, are sold individually, or they may buy an entire set. Persons who buy an entire set are eligible to buy an Code subscriptions are available for the set of Titles as codified. An annual subscription, which contains quarterly supplements, is available for purchase to update the set. Subscription forms are available from the Office.

ARTICLE 4. RULE DRAFTING

R1-1-401. Rule Drafting Style and Format

An agency preparing a rulemaking package for filing with the Office shall draft it Rulemaking notices and supporting documents shall be prepared, drafted, and filed in accordance with this Chapter, the APA, and the recommendations in the Arizona Rulemaking Manual.

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R1-1-414. Materials Incorporated Incorporated by Reference; Citation of Referenced Material; Eligibility and Citations

- A. ~~An agency may~~ Items that may be incorporated incorporate by reference materials as within an agency's rules are specified in under A.R.S. § 41-1028.
- B. ~~Following~~ If an agency determines the materials meet the standards to incorporate them by reference under A.R.S. § 41-1028, it shall the citation cite the name of the incorporated by reference incorporated by reference material materials in the rule text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.
- C. ~~A citation~~ Citations to an item materials incorporated by reference shall state include:
1. ~~the~~ The name of the materials incorporated by reference;
 2. The name and address of the agency, organization, or association that developed the material;
 3. The publisher's name and address, if the material was not printed by the agency, organization, or association listed under subsection (C)(2);
 4. If available, the publication:
 - a. Copyright date, or
 - b. Release date, or
 - c. Revision date of publication;
 5. If available, the International Standard Book Number (ISBN); and
 6. a location where the item is available if different from the publisher. If a An physical address for the publisher is not available, or a web site address where the material is available or may be purchased, may be substituted.
 7. A statement shall be included with the citation specifying that the rule does not include any later amendments or editions of the materials incorporated by reference.
- D. ~~A citation to an item incorporated by reference shall state where a copy of the incorporated by reference material is available from the agency issuing the rule. An agency shall make available for review, any incorporated by reference material included in a rule. The agency shall include the address where the publication or document may be viewed.~~
- E. ~~An item incorporated Incorporated by reference materials and filed with an agency's final rules prior to before September 18, 2003, may be viewed in the Office. The Office shall not photocopy any copyrighted material incorporated by reference. Any materials protected under U.S. copyright laws, Title 17 of the U.S. Code, shall not be reproduced.~~
- E. Incorporated by reference materials included in an agency's rules after September 18, 2003, are available by contacting the agency, organization, or association that developed the material or the state agency that incorporated it.

ARTICLE 5. PROPOSED RULEMAKING

R1-1-502. Notice of Proposed Rulemaking

- A. No change
- B. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 6. No change
 7. No change
 8. No change
 - a. No change
 - b. No change
 - c. No change

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- d. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 14. No change
- 15. No change
 - a. No change
 - b. No change
 - c. Whether a person submitted an analysis to the agency ~~that compares~~ regarding the rule's impact of the competitiveness of ~~business businesses~~ in this state ~~to the impact on~~ as compared to the competitiveness of business businesses in other states.
- 16. No change
- 17. No change
- 18. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. The text of the rules shall contain in sequential order:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. A Chapter, Subchapter, Article, Part or Section heading with text being made, amended, renumbered or repealed shall have the text written as described in ~~R1-1-502-subsection~~ (B)(18)(e)(iii) and (iv).
 - e. Under the list in subsection (B)(18)(d) the next page shall be the full text of the Sections being made, amended, repealed or renumbered. The text shall:
 - i. No change
 - ii. No change
 - iii. Specify current rule text being deleted or repealed as stricken. Striking shall not be used for any other purpose.
 - iv. Specify rule text being made as new text as underlined. Underlining shall not be used for any other purpose.
 - v. Within a Section, have stricken text appear before new, underlined text.
 - f. No change
 - g. No change
- C. No change.
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change

ARTICLE 8. SUMMARY RULEMAKING EXPEDITED RULEMAKING

R1-1-801. ~~Notice of Summary Rulemaking~~ Notice of Proposed Expedited Rulemaking

- ~~A.~~ If an agency determines it meets the requirements of A.R.S. § 41-1027 and other requirements in the Act an agency shall prepare a Notice of Summary Rulemaking as prescribed in this Section.
- B.** A Notice of Proposed Summary Rulemaking shall contain:-
 - 1. ~~On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED SUMMARY RULEMAKING.~~
 - 2. ~~On a centered line under the notice heading, the agency's Code Title number and heading.~~
 - 3. ~~On a centered line below the Title number and heading, the agency's Code Chapter number and heading.~~

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4. If applicable, on a centered line under the Chapter number and heading the agency's *Code* Subchapter label and heading.
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, **PREAMBLE**. The Preamble of the Notice of Proposed Summary Rulemaking shall include, in numbered order:
 - a. A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. The interim effective date of the summary rule as specified in A.R.S. § 41-1027(D).
 - d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - e. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.
 - f. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - g. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
 - h. If required, a preliminary summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).
 - i. Agency personnel to contact about the accuracy of the summary of the economic, small business, and consumer impact statement. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - j. The time, place, and nature of the proceedings to make, amend, or repeal the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed summary rule.
 - k. A justification to the use of summary proceedings.
 - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - m. The phrase "The full text of the rules follows:".
 6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(18).
- C.** If an agency determines it meets the requirements in A.R.S. § 41-1027(A) through (E) it shall prepare a Notice of Final Summary Rulemaking. An agency shall, within 90 days after publication in the *Register* and after consideration of any comments, submit to the Council its final summary rule, along with the Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.
- D.** A Notice of Final Summary Rulemaking shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters **NOTICE OF FINAL SUMMARY RULEMAKING**.
 2. On a centered line under the notice heading, the agency's *Code* Title number and heading.
 3. On a centered line under the Title number and heading, the agency's *Code* Chapter number and heading.

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4. If applicable, on a centered line under the Chapter number and heading the agency's *Code* Subchapter label and heading.
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, **PREAMBLE**. The Preamble of the Notice of Final Summary Rulemaking shall include, in numbered order:
 - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. The permanent effective date of the summary rule as specified in A.R.S. § 41-1027(D).
 - d. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the Notice of Final Summary Rulemaking package.
 - e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.
 - g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
 - h. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - i. If required, a summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).
 - j. A description of any changes between the proposed summary rulemaking and the final summary rulemaking.
 - k. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments.
 - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
 - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
 - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - m. The phrase "The full text of the rules follows:".
 6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(18).
- E.** A summary rulemaking package shall include:
1. Two agency receipts as specified in R1-1-106;
 2. An original and two copies of the agency certificate as specified in R1-1-105;
 3. If the notice is a Notice of Final Summary Rulemaking, an original and two copies of Council's certificate of approval as specified in R1-1-105.
 4. An original and two copies of the rulemaking package as specified in R1-1-103;
 5. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
 6. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- F.** Upon approval from the Council of the final summary rule, the Council shall file the final summary rulemaking package, to include all documents listed in subsection (E) with the Office.
- A.** Before a Notice of Proposed Expedited Rulemaking is prepared an agency shall determine whether a rulemaking complies with A.R.S. § 41-1027.

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1. If the wording complies with A.R.S. § 41-1027(A)(1), (3), or (5), the agency shall *notify the governor, the president of the senate, the speaker of the house of representatives and the council of the proposed expedited rule making* as specified under A.R.S. § 41-1027(B). Notification shall include:
 - a. Agency staff contact information. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site address, if applicable.
 - b. The exact wording of the proposed expedited rule making and indicate how the proposed expedited rule making achieves the purpose prescribed in A.R.S. § 41-1027(A)(1), (3) or (5).
 2. If the wording complies with A.R.S. § 41-1027(A)(2), (4), (6), or (7), the agency shall *file a request for proposed expedited rule making with the governor and notify the president of the senate, the speaker of the house of representatives and the council of the request* as specified under A.R.S. § 41-1027(C). The request shall include:
 - a. Agency staff contact information. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site addresses, if applicable.
 - b. The exact wording of the proposed expedited rule making and an explanation of how the proposed expedited rule making meets the criteria in A.R.S. § 41-1027(A).
 3. If an agency requests permission to proceed on the rulemaking under subsection (A)(2) it must receive approval from the governor for the notice (A.R.S. § 41-1027(D)).
- B.** On delivery of the notice required in subsection (A)(1), or on approval by the governor of a request for proposed expedited rulemaking required in subsections (A)(2) and (3), an agency shall prepare a Notice of Proposed Expedited Rulemaking under A.R.S. § 41-1027 and this Section.
- C.** A Notice of Proposed Expedited Rulemaking shall contain:
1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED EXPEDITED RULEMAKING.
 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 3. On a centered line below the Title number and heading, the agency's Code Chapter number and heading.
 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Proposed Expedited Rulemaking shall include, the following list consecutively numbered:
 - a. A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as prescribed under R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site address, if applicable.
 - d. An agency's explanation why the proposed expedited rule should be made, amended, repealed, or renumbered under A.R.S. § 41-1027(A) and why expedited proceedings are justified under A.R.S. § 41-1001(15)(c).
 - e. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - f. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
 - g. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

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- h. The agency's contact person who can answer questions about the preliminary summary of the economic, small business, and consumer impact of the proposed expedited rule. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site address, if applicable.
 - i. The time, place and nature of the proceedings for the making, amendment or repeal of the rule and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(E).
 - j. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
 - i. Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - k. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:
 - l. The phrase "The full text of the rules follows:".
6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain text formatted as prescribed under R1-1-502(B)(5).
- D. A Notice of Proposed Expedited Rulemaking package shall include:**
- 1. Two agency receipts as specified under R1-1-106;
 - 2. If applicable, three copies of either:
 - a. The notice notifying the governor, the president of the senate, the speaker of the house of representatives, and the council of expedited rulemaking under A.R.S. § 41-1027(B); or
 - b. The request filed with the governor, the president of the senate, the speaker of the house of representatives, and the council under A.R.S. § 41-1027(C); and the governor's approval of the agency's expedited rulemaking request under A.R.S. § 41-1027(D).;
 - 3. An original and two copies of the agency certificate as specified under R1-1-105; and
 - 4. An original and two copies of the rulemaking package as specified under R1-1-103.

R1-1-802. Notice of Objection to a Proposed Expedited Rulemaking

- A. If the agency received an objection or objections to a Proposed Expedited Rulemaking, a Notice of Objection to a Proposed Expedited Rulemaking shall be filed in the Office for publication under A.R.S. § 41-1013(B)(12).**
- B. A Notice of Objection to a Proposed Expedited Rulemaking shall contain:**
- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF OBJECTION TO A PROPOSED EXPEDITED RULEMAKING.
 - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 - 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
 - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
 - 5. A citation to the Proposed Expedited Rulemaking that was published in the Register.
 - 6. The number of objections received.
- C. A Notice of Objection to a Proposed Expedited Rulemaking package shall include:**
- 1. Two agency receipts as required in R1-1-106,
 - 2. An original and two copies of the notice form as required in R1-1-103.

R1-1-803. Notice of Final Expedited Rulemaking

- A. If an agency determines it meets the requirements in A.R.S. § 41-1027(G) and other requirements in the Act it shall prepare a Notice of Final Expedited Rulemaking as specified in this Section and submit the notice to the Council.**
- B. A Notice of Final Expedited Rulemaking shall contain:**
- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL EXPEDITED RULEMAKING.
 - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
 - 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
 - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.

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5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the notice shall include the following list consecutively numbered:
 - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as prescribed under R1-1-502(B)(5).
 - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
 - c. The effective date of the rule.
 - d. Citations to all related notices published in the *Register* as prescribed under R1-1-409(A) that pertain to the record of the Notice of Final Summary Expedited Rulemaking package.
 - e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
 - i. Name;
 - ii. Address;
 - iii. Area code and telephone number; and
 - iv. Fax number, e-mail and web site address, if applicable.
 - f. An agency's explanation why the proposed expedited rule was made, amended, repealed, or renumbered under A.R.S. § 41-1027(A) and why expedited proceedings were justified under A.R.S. § 41-1001(15)(c).
 - g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
 - h. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
 - i. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
 - j. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking.
 - k. An agency's summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments. An agency shall, "*adequately respond in writing to the comments on the proposed expedited rule making*" under A.R.S. § 41-1027(E).
 - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
 - i. Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used;
 - ii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
 - m. The phrase "The full text of the rules follows:."
 6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as required in R1-1-502(B)(18).
- C.** A final expedited rulemaking package shall include:
1. Two agency receipts as specified in R1-1-106;
 2. An original and two copies of the agency certificate as specified in R1-1-105;
 3. An original and two copies of Council's certificate of approval as specified in R1-1-105.
 4. If applicable, three copies of either:
 - a. The notice notifying the governor, the president of the senate, the speaker of the house of representatives, and the council of expedited rulemaking under A.R.S. § 41-1027(B); or
 - b. The request filed with the governor, the president of the senate, the speaker of the house of representatives, and the council under A.R.S. § 41-1027(C); and the governor's approval of the agency's expedited rulemaking request under A.R.S. § 41-1027(D);
 5. If applicable, two copies of the Notice of Objection to a Proposed Expedited Rulemaking provided for Council review;
 6. An original and two copies of the rulemaking package as specified in R1-1-103;
 7. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- D.** Upon approval from the Council of the final expedited rule, the agency shall file the rulemaking package under A.R.S. § 41-1027(I).

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E. The expedited rule becomes effective 30 days following publication of final expedited rulemaking under A.R.S. § 41-1027(J).

ARTICLE 10. RECODIFICATION

R1-1-1001. Notice of Recodification

- A.** An agency ~~may renumbering~~ renumber one or more Sections from one Chapter to another Chapter, or within a Chapter under R1-1-404(B)(1), ~~shall submit to the Office one original and two copies of a Notice of Recodification for filing and publication. An agency that renumbers a rule under this Section shall make no other changes to the rule except corrections to Section references within the text of the Section or headings.~~
- B.** A Notice of Recodification shall contain:
1. On a centered line, one inch from the top of the page, the heading in all capital letters NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately one inch from the top of the page;
 2. On a centered line under the Notice heading, the agency's Code, followed by the Title, its number, and heading centered under the notice heading;
 3. On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and heading centered below the Title;
 4. If applicable, on a centered line under the Chapter number and heading, the agency's Code, followed by the Subchapter, its label, and heading, if applicable, centered below the Chapter;
 5. Under the Chapter number and heading or, if applicable the Subchapter label and heading, followed by the items listed following list consecutively below in the same numbered order:
 - 1-a. A list of the The Subchapters (if applicable), Articles, Parts (if applicable), and Sections along with their respective headings:
 - i. being Being recodified along with their respective headings; and
 - 2-ii. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as As recodified along with their respective headings;
 - 3-b. A conversion table between the two numbering schemes; and
 - 4-c. The name and address of agency personnel with whom persons may communicate regarding the recodification.
- C.** ~~If an agency renumbers or recodifies a Section, it shall make no other changes to the Section except corrections to Section references within the text of the Section or its heading.~~ A Notice of Recodification package shall include:
1. Two agency receipts as specified in R1-1-106;
 2. An original and two copies of the agency certificate as specified in R1-1-105; and
 3. The recodification scheme.
- D.** An agency shall file a Notice of Recodification for publication in the Register and the Code.
- ~~D~~E.** ~~A Notice of Recodification is effective on the date the notice is filed with the Office.~~